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CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIABY                      DEPUTY

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Attorneys for Plaintiff Arminda O. Ala'an

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

ARMINDA O. ALAAN,  
Plaintiff,

vs.

ASSET ACCEPTANCE LLC  
Defendant.

Case No.: **10 CV 0328 WQH** **BLM**  
COMPLAINT  
DEMAND FOR JURY TRIAL

Plaintiff, ARMINDA O. ALAAN, based on information and belief and investigation of counsel, except for those allegations which pertain to the named Plaintiff or her attorneys (which are alleged on personal information) hereby makes the following allegations:

**INTRODUCTION**

I. This is an action for actual damages, statutory damages, attorney fees and costs brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") and the Rosenthal Fair Debt Collection Practices Act, California Civil Code § 1788 *et seq.* (hereinafter "RFDCPA") which prohibit debt collectors from engaging in abusive, deceptive and unfair practices.

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1 **JURISDICTION**

2 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1337, and  
3 supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. § 1367. Declaratory  
4 relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

5 3. This action arises out of Defendant's violations of the Fair Debt Collection Practices  
6 Act, 15 U.S.C. § 1692 *et. seq.* ("FDCPA") and of the Rosenthal Fair Debt Collection Practices Act  
7 ("RFDCPA"), Cal. Civil Code §§ 1788 *et. seq.*

8 **VENUE**

9 4. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b), in that a  
10 substantial part of the events or omissions giving rise to the claim occurred in this judicial district.  
11 Venue is also proper in this judicial district pursuant to 15 U.S.C. § 1692k(d), in that the Defendants  
12 transact business in this judicial district and the violations of the FDCPA and RFDCPA complained of  
13 occurred in this judicial district.

14 **PARTIES**

15 5. Plaintiff, ARMINDA O. ALAAN (hereinafter "Plaintiff"), is a natural person residing in  
16 San Diego County, California. Plaintiff is a "consumer" within the meaning of 15 U.S.C. § 1692a(3)  
17 and a "debtor" within the meaning of Cal. Civil Code § 1788.2(h). At all relevant times, Plaintiff has  
18 resided in San Diego County, California.

19 6. Defendant, ASSET ACCEPTANCE, LLC (hereinafter "ASSET"), is a Delaware limited  
20 liability corporation engaged in the business of collecting debts in this state with its principal place of  
21 business located at: 28405 Van Dyke Avenue, Warren, Michigan, 48093. ASSET may be served as  
22 follows: Asset Acceptance, LLC, c/o CT Corporations Systems, 818 West Seventh Street, Los Angeles,  
23 California, 90017. The principal business of ASSET is the collection of debts using the mails and  
24 telephone, and PALIDADES regularly attempts to collect debts alleged to be due another. ASSET is a  
25 "debt collector" within the meaning of 15 U.S.C. § 1692a(6) and Cal. Civil Code § 1788.2(c).

26 ///

27 ///

28 **FACTUAL ALLEGATIONS**

1  
2 7. Plaintiff is informed and believes, and thereon alleges that on or about November 1999.  
3 Plaintiff incurred a financial obligation to Citibank (hereinafter "the debt"). The debt was incurred  
4 primarily for personal, family or household purposes and is therefore a "debt" as that term is defined by  
5 15 U.S.C. § 1692a(5) and a "consumer debt" as that term is defined by Cal. Civil Code § 1788.2(f).

6 8. Thereafter, Plaintiff was unable to make payments on the debt, and defaulted. The last  
7 payment Plaintiff made on the debt to Citibank that was accepted was on prior to February 18, 2005.

8 9. On February 19, 2009, Defendant, ASSET, filed a lawsuit against Plaintiff in the  
9 Superior Court of California, County of San Diego, entitled Asset Acceptance, LLC. v. Arminda O.  
10 Alaan., Case No. 37-2009-00064733-CL-CL-EC (hereinafter the "Asset v. Alaan complaint"), which  
11 sought to collect \$3,991.42 plus pre-judgment interest according to proof and attorney fees according to  
12 proof.

13 10. A true and accurate copy of the Asset v. Alaan complaint is attached hereto, marked  
14 Exhibit "A," and by this reference is incorporated herein.

15 11. Plaintiff is informed and believes, and thereon alleges that ASSET states in the Asset v.  
16 Alaan complaint that it is the "Assignee of Citibank". However, ASSET provided no admissible  
17 evidence of the chain of title from Citibank with the Asset v. Alaan complaint (Exhibit "A").

18 12. Plaintiff is informed and believes, and thereon alleges that ASSET brought suit against  
19 Plaintiff outside of the applicable 4-year statute of limitations found in **California Code of Civil**  
20 **Procedure section 337**, as Plaintiff's last payment was over 4 years prior to the filing of the suit on  
21 February 19, 2009.

22 13. Plaintiff is informed and believes, and thereon alleges that ASSET stated in the Asset v.  
23 Alaan complaint (Exhibit "A") that it was collecting \$3,991.42 as principal, however this is a  
24 misrepresentation of the principal, as the \$3,991.42 figure includes fees, interest and other charges  
25 which are not part of the principal debt.

26 14. Plaintiff is informed and believes, and thereon alleges that the Asset v. Alaan complaint  
27 (Exhibit "A") misrepresents that the debt was assigned to ASSET.  
28

1           15. Plaintiff is informed and believes, and thereon alleges that ASSET misrepresented the  
2 character, amount or legal status of the debt in the Asset v. Alaan complaint (Exhibit "A").

3                                   **CAUSES OF ACTION**  
4                                   **COUNT I**  
5                                   **FAIR DEBT COLLECTION PRACTICES ACT**  
6                                   **15 U.S.C. § 1692, et. seq**

7           16. Plaintiff brings the first claim for relief against ASSET under the Federal Fair Debt  
8 Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, et. seq.

9           17. Plaintiff repeats, re-alleges, and incorporates by reference paragraphs 1 through 15  
10 above.

11           18. Plaintiff is a "consumer" as that term is defined by the FDCPA, 15 U.S.C. § 1692a(3).

12           19. Defendant, ASSET, is a "debt collector" as that term is defined by the FDCPA, 15  
13 U.S.C. § 1692a(6).

14           20. The financial obligation owed to Citibank is a "debt" as that term is defined by the  
15 FDCPA, 15 U.S.C. § 1692a(5).

16           21. ASSET has violated the FDCPA. The violations include, but are not limited to, the  
17 following:

- 18           a. ASSET misrepresented that it was lawfully entitled to collect the debt owed to Citibank,  
19 in violation of 15 U.S.C. §§ 1692e, 1692e(2)(A), and 1692e(10);
- 20           b. ASSET filed a lawsuit against Plaintiff despite the fact that the applicable statute of  
21 limitations had run, in violation of 15 U.S.C. §§ 1692e, 1692e2(A), 1692e(5),  
22 1692e(10), and 1692f(1); and
- 23           c. ASSET stated that the amount due consisted only of principle when it actually consisted  
24 of interest, fees and other charges, thereby misrepresenting the character, amount or  
25 legal status of the debt, in violation of 15 U.S.C. §§ 1692e, 1692e(2)(A) and 1692e(10).

26           22. ASSET' acts as described above were done intentionally with the purpose of coercing  
27 Plaintiff to pay the debt.

28           23. As a result of ASSET' violations of the FDCPA, Plaintiff is entitled to an award of  
statutory damages, costs and reasonable attorney fees, pursuant to 15 U.S.C. § 1692k.

**COUNT II**  
**ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT**  
**California Civil Code §§ 1788-1788.33**

24. Plaintiff brings the second claim from relief against ASSET under the Rosenthal Fair Debt Collection Practices Act ("RFDCPA"), California Civil Code §§ 1788-1788.33.

25. Plaintiff repeats, realleges and incorporates by reference paragraphs 1 through 24 above.

26. Plaintiff is a "debtor" as that term is defined by the RFDCPA, Cal. Civil Code § 1788.2(h).

27. Defendant, ASSET, is a "debt collector" as that term is defined by the RFDCPA, Cal. Civil Code § 1788.2(c).

28. The financial obligation owed to the original creditor is a "consumer debt" as that term is defined by the RFDCPA, Cal. Civil Code § 1788.2(f).

29. ASSET has violated the RFDCPA. The violations include, but are not limited to, the following:

- a. ASSET misrepresented that it was lawfully entitled to collect the debt owed to Citibank, in violation of 15 U.S.C. §§ 1692e, 1692e(2)(A), and 1692e(10) as incorporated by Cal. Civil Code § 1788.17; and Cal. Civil Code § 1788.13(l);
- b. ASSET filed a lawsuit against Plaintiff despite the fact that the applicable statute of limitations had run, in violation of 15 U.S.C. §§ 1692e, 1692e(2)(A), 1692e(5), 1692e(10), and 1692f(1) as incorporated by Cal. Civil Code § 1788.17; and
- c. ASSET stated that the amount due consisted only of principle when it actually consisted of interest, fees and other charges, thereby misrepresenting the character, amount or legal status of the debt, in violation of 15 U.S.C. §§ 1692e, 1692e(2)(A) and 1692e(10) as incorporated by Cal. Civil Code § 1788.17.

30. ASSET's acts as described above were done willfully and knowingly with the purpose of coercing Plaintiff to pay the debt, within the meaning of Cal. Civil Code § 1788.30(b).

31. As a result of ASSET's willful and knowing violations of the RFDCPA, Plaintiff is entitled to an award of a statutory penalty in an amount not less than one hundred dollars (\$100) nor greater than one thousand dollars (\$1,000), pursuant to Cal. Civil Code § 1788.30(b).

1 32. As a result of ASSET' violations of the FDCPA, Plaintiff is entitled to an award of  
2 statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A), as incorporated by Cal. Civil Code §  
3 1788.17.

4 33. As a result of ASSET' violations of the RFDCPA, Plaintiff is entitled to an award of her  
5 reasonable attorney's fees and costs pursuant to Cal. Civil Code § 1788.30(c) and 15 U.S.C. §  
6 1692k(a)(3), as incorporated by Cal. Civil Code § 1788.17.

7 34. Pursuant to Cal. Civil Code § 1788.32, the remedies provided under the RFDCPA are  
8 intended to be cumulative and in addition to any other procedures, rights or remedies that Plaintiff may  
9 have under any other provision of law.

10 **PRAYER FOR RELIEF**

11 **WHEREFORE**, Plaintiff prays judgment be entered against Defendant, and Plaintiff be awarded  
12 damages from Defendant, as follows:

13 **COUNT I**  
14 **FAIR DEBT COLLECTION PRACTICES ACT**  
15 **15 U.S.C. § 1692, et. Seq**

16 35. Declare that ASSET violated the Fair Debt Collection Practices Act, 15 U.S.C. §§  
17 1692e, 1692e(2)(A), 1692e(5), 1692e(10), and 1692f(1);

18 36. An award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1), in an amount to be  
19 adduced at trial;

20 37. An award of statutory damages in an amount not exceeding \$1,000 pursuant to 15  
21 U.S.C. § 1692k(a)(2)(A);

22 38. An award of the costs of this action and reasonable attorneys fees pursuant to 15 U.S.C.  
23 § 1692k(a)(3);

24 **COUNT II**  
25 **ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT**  
26 **California Civil Code §§ 1788-1788.33**

27 39. Declare that ASSET violated the Rosenthal Fair Debt Collection Practices Act, Cal.  
28 Civil Code §§ 1788.13(1) and 1788.17;

///

1 40. An award of actual damages pursuant to Cal. Civil Code § 1788.30(a) in an amount to  
2 be adduced at trial;

3 41. An award of a statutory penalty of \$1,000 pursuant to Cal. Civil Code § 1788.30(b);

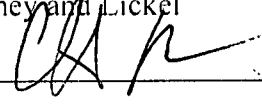
4 42. An award the costs of this action and reasonable attorneys fees pursuant to Cal. Civil  
5 Code §1788.30(c);

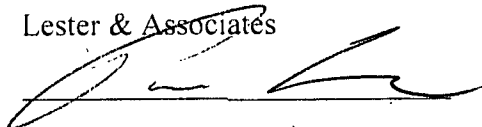
6 43. Such other and further relief as may be just and proper.

7 **TRIAL BY JURY**

8 44. Pursuant to the seventh amendment to the Constitution of the United States of America,  
9 Plaintiff is entitled to, and demands, a trial by jury.

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12 2-10-2010  
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Rooney and Lickel  
by   
Clinton Rooney  
Attorneys for Plaintiff, Arminda O. Alaan

Lester & Associates  
  
Patric A. Lester  
Attorney for Plaintiff, Arminda O. Alaan

## EXHIBIT A

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09-00087

# SUMMONS (CITACION JUDICIAL)

SUM-100

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):  
ARMINDA O ALAAN

DOES 1 TO 10, Inclusive.

**YOU ARE BEING SUED BY PLAINTIFF:**  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**  
ASSET ACCEPTANCE LLC

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el condado.

The name and address of the court is:  
(El nombre y dirección de la corte es)

37-2009-00064733-CL-CL-EC

SUPERIOR COURT OF CALIF., COUNTY OF SAN DIEGO  
East County Regional Center  
Superior Court of San Diego  
700 E. Main St.  
El Cajon, CA 92020

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

THOMAS M. RAY, SRN: 142156

Telephone No.: (415) 564-1400

Facsimile No.: (415) 560-4163

BECK & RAY

1841 Market Street

San Francisco, CA 94102

DATE:

(Fecha)

Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)  
☐ CCP 416.20 (defunct corporation)  
☐ CCP 416.40 (association or partnership)  
☐ other:

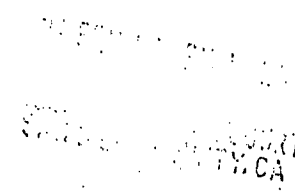
☐ CCP 416.60 (minor)  
☐ CCP 416.70 (conservatee)  
☐ CCP 416.90 (authorized person)

4. ☐ by personal delivery on (date):

EXHIBIT A

09-00087

PLD-C-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address). THOMAS M. RAY, SBN:142156 PECK & RAY 1841 Market Street San Francisco, CA 94103 TELEPHONE NO.: (415) 764-1400 FAX NO. (Optional): (415) 546-4181 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff File No.: 08-02350-0	FOR COURT USE ONLY 
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: Superior Court of San Diego MAILING ADDRESS: 250 E. Main St. CITY AND ZIP CODE: El Cajon, CA 92020 BRANCH NAME: East County Regional Center	
PLAINTIFF: ASSET ACCEPTANCE LLC  DEFENDANT: ARMINDA O ALAAN  <input checked="" type="checkbox"/> DOES 1 TO 10, Inclusive.	
CONTRACT <input checked="" type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Number): <input type="checkbox"/> CROSS-COMPLAINT <input type="checkbox"/> AMENDED CROSS-COMPLAINT (Number):	
Jurisdiction (check all that apply): ACTION IS A LIMITED CIVIL CASE Amount demanded <input checked="" type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or c <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	

37-2009-00064733-CL-CL-EC

1. Plaintiff\* (name or names): ASSET ACCEPTANCE LLC

alleges causes of action against defendant\* (name or names): ARMINDA O ALAAN, and DOES 1 TO 10, Inclusive.

2. This pleading, including attachments and exhibits, consists of the following number of pages: 4

3. a. Each plaintiff named above is a competent adult

☒ except plaintiff (name): ASSET ACCEPTANCE LLC(1) ☐ a corporation qualified to do business in California(2) ☐ an unincorporated entity (describe):(3) ☒ other (specify): A Delaware Limited Liability Company qualified to do business in California.b. ☐ Plaintiff (name):a. ☐ has complied with the fictitious business name laws and is doing business under the fictitious name (specify):b. ☐ has complied with all licensing requirements as a licensed (specify):c. ☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3c.

4. a. Each defendant named above is a natural person

☐ except defendant (name):☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):

\*If this form is used as a cross-complaint, plaintiff means cross-complainant and defendant means cross-defendant.

Page 1 of 2



COPY

09-00087

SHORT TITLE: Asset Acceptance Ltd v. Alaan	CASE NUMBER:
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4. (Continued)
- b. The true names of defendants sued as Does are unknown to plaintiff.
- (1) ☐ Doe defendants (specify Doe numbers): \_\_\_\_\_ were the agents or employees of the named defendants and acted within the scope of that agency or employment.
- (2) ☒ Doe defendants (specify Doe numbers): 1-10 are persons whose capacities are unknown to plaintiff.
- c. ☐ Information about additional defendants who are not natural persons is contained in Attachment 4c.
- d. ☐ Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names): \_\_\_\_\_
5. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or
- b. ☐ is excused from complying because (specify): \_\_\_\_\_
6. ☐ This action is subject to ☐ Civil Code section 1812.10 ☐ Civil Code section 2984.4.
7. This court is the proper court because
- a. ☐ a defendant entered into the contract here.
- b. ☐ a defendant lived here when the contract was entered into.
- c. ☒ a defendant lives here now.
- d. ☐ the contract was to be performed here.
- e. ☐ a defendant is a corporation or unincorporated association and its principal place of business is here.
- f. ☐ real property that is the subject of this action is located here.
- g. ☐ other (specify): \_\_\_\_\_
8. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):
- ☐ Breach of Contract
- ☒ Common Counts
- ☐ Other (specify): \_\_\_\_\_
9. ☒ Other allegations:
- This action is subject to the provisions of subdivision (b) of Section 395 of the Code of Civil Procedure because it arises from provisions of goods, services, loans, or extensions of credit intended primarily for personal, family or household use, other than obligations described in Section 1812.10 or Section 2984.4 of the California Civil Code.
10. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
- a. ☒ damages of \$ 3,991.42
- b. ☒ interest on the damages
- (1) ☐ according to proof
- (2) ☒ at the rate of (specify): 24,000 percent per year from (date): 03/08/05
- c. ☒ attorney's fees
- (1) ☐ of: \$ \_\_\_\_\_
- (2) ☒ according to proof.
- d. ☐ other (specify): \_\_\_\_\_

11. ☐ The paragraphs of this pleading are alleged on information and belief as follows (specify paragraph numbers): \_\_\_\_\_

Date: January 30, 2009

Original Bears Signature

THOMAS M. RAY  
(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

(If you wish to verify this pleading, affix a verification.)

09-00087

PLD-C-001(2)

SHORT TITLE: Asset Acceptance LLC v. Alan	CASE NUMBER:
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FIRST

(number)

## CAUSE OF ACTION—Common Counts

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

CC-1. Plaintiff (name): ASSET ACCEPTANCE LLC

alleges that defendant (name): ARXINPA O ALAAN, and DOCS 1 TO 10, inclusive,

became indebted to ☐ plaintiff ☒ other (name): CITIBANK, plaintiff's predecessor in interest, on the amount now owned by plaintiff.a. ☒ within the last four years(1) ☒ on an open book account for money due.(2) ☒ because an account was stated in writing by and between plaintiff and defendant in which it was agreed that defendant was indebted to plaintiff.b. ☒ within the last ☐ two years ☒ four years(1) ☐ for money had and received by defendant for the use and benefit of plaintiff.(2) ☐ for work, labor, services and materials rendered at the special instance and request of defendant and for which defendant promised to pay plaintiff  
☐ the sum of \$  
☐ the reasonable value.(3) ☒ for goods, wares, and merchandise sold and delivered to defendant and for which defendant promised to pay plaintiff☒ the sum of \$3,991.42☐ the reasonable value.(4) ☒ for money lent by plaintiff to defendant at defendant's request.(5) ☐ for money paid, laid out, and expended to or for defendant at defendant's special instance and request.(6) ☒ other (specify):

Defendant(s) used a CITIBANK account with account number 5424180293657646, for which defendant(s) promised to pay plaintiff's predecessor in interest. The defendant's(s') account was purchased by plaintiff from plaintiff's predecessor in interest. Plaintiff is now the owner of defendant's(s') account and has all rights of the original creditor.

CC-2. \$ \_\_\_\_\_, which is the reasonable value, is due and unpaid despite plaintiff's demand, plus prejudgment interest ☐ according to proof ☐ at the rate of \_\_\_\_\_ percent per year from (date): \_\_\_\_\_

CC-3. ☒ Plaintiff is entitled to attorney fees by an agreement or a statute  
☐ of \$  
☒ according to proof.

CC-4. ☒ Other:

\$3,991.42, which is the fixed and agreed upon amount remaining unpaid despite plaintiff's demand, plus prejudgment interest at the rate of 24.000 percent per year from 03/08/09 pursuant to the terms of the contract between CITIBANK and defendant(s) herein.

Page 3

09-00087

THOMAS M. RAY, SBN: 142156  
 PECK & RAY  
 1841 Market Street  
 San Francisco, CA 94103  
 Telephone No.: (415) 764-1400  
 Facsimile No.: (415) 546-4181  
 Our File No.: 08-02350-0

Attorneys for Plaintiff,  
 Asset Acceptance LLC

IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

East County Region

ASSET ACCEPTANCE LLC

37-2009-00064733-CL-CI-FC

Plaintiff,

vs.

ARMINDA O ALAAN, et al.,

Defendant(s).

DECLARATION OF JUDICIAL VENUE FOR  
 PERSONAL, FAMILY OR HOUSEHOLD OBLIGATIONS

I, the undersigned, declare as follows:

1. This is an obligation of the defendant(s) for goods, services, loan or extension of credit intended primarily for personal, family or household use.

2. This is the county:

\_\_\_ In which the defendant(s) resided at the time the contract was entered into;

\_\_\_ In which the defendant in fact signed the contract;

XXX \_\_\_ In which the defendant(s) resided at the commencement of the aforementioned action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 30, 2009, at San Francisco, California.

Original Bears Signature

THOMAS M. RAY  
 Attorney for Plaintiff

DECLARATION PURSUANT TO CCP § 395(b): VENUE FOR PERSONAL, FAMILY OR HOUSEHOLD OBLIGATIONS

09-00087

1 THOMAS M. RAY, SBN: 142156  
2 PECK & RAY  
3 1841 Market Street  
4 San Francisco, CA 94103  
5 Telephone No.: (415) 764-1400  
6 Facsimile No.: (415) 546-4181  
7 Our File: 08-02350-0

8 Attorneys for Plaintiff.  
9 Asset Acceptance LLC

10 SUPERIOR COURT OF CALIFORNIA,  
11 COUNTY OF SAN DIEGO

12 ASSET ACCEPTANCE LLC,

37-2009-00064733-CL-CL-EC

13 Plaintiff,

DECLARATION PURSUANT TO BUSINESS  
FILING FEE PURSUANT TO BUSINESS  
AND PROFESSIONS CODE § 6322.1.C

14 vs.

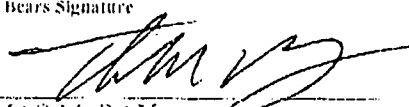
15 ARMINDA O ALAAN, et al.,

16 Defendant(s).

17 I declare, under penalty of perjury that the case filed qualifies for the reduction in fees to the  
18 January 1, 1990 level because the claim of money damages will not exceed the monetary  
19 jurisdiction of small claims Court and is being filed by an assignee of the claim.  
20  
21  
22

23 Dated: January 30, 2009.

24 PECK & RAY  
Original Bears Signature

25   
26 THOMAS M. RAY  
27 Attorney for Plaintiff  
28

DECLARATION PURSUANT TO B&amp;P §6322.1.C

CA Code 6322.1.C Declaration

File No. 08-02350-0

09-00087

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b>	
STREET ADDRESS: 250 East Main Street	
MAILING ADDRESS: 250 East Main Street	
CITY AND ZIP CODE: Escondido, CA 92029	
BRANCH NAME: Court County	
TELEPHONE NUMBER: (619) 436-4027	
PLAINTIFF(S): Asset Acceptance LLC	
DEFENDANT(S): Arminda O Alaan	
ASSET ACCEPTANCE LLC VS. ALAAN	
<b>NOTICE OF CASE ASSIGNMENT</b>	CASE NUMBER: 37-2009-00064733-CL-CL-EC

Judge:

Department: E-21

COMPLAINT FILED: 02/19/2009

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT). ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

**TIME STANDARDS:** The following timeframes apply to limited civil collections cases and must be adhered to unless you have requested and been granted an extension of time.

**COLLECTION CASES FILED UNDER CRC 3.740:**

**SERVICE OF COMPLAINT:** These cases are exempt from the 60-day time for service requirements and case management rules which apply to all general civil cases, unless a defendant files a responsive pleading. If a CERTIFICATE OF SERVICE (SDSC CIV-345 which is a mandatory form that may not be substituted by the filing of any other document) is not filed or plaintiff has not obtained an order for publication of the summons within 180 days after the filing of the complaint, the Court may issue an Order to Show Cause why reasonable monetary sanctions should not be imposed. If CERTIFICATE OF SERVICE is filed or an order for publication of the summons is filed at least 10 court days before the Order to Show Cause hearing, the Court will continue the hearing to 360 days after the filing of the Complaint.

**DEFENDANT'S APPEARANCE:** Defendant must generally appear within 30 days of service of the complaint.

**CASE MANAGEMENT CONFERENCE:** A Case Management Conference will be set within 150 days of the complaint if an answer has been filed.

**DEFAULT JUDGMENT:** If proofs of service of the complaint are filed or service by publication is made and defendants do not file responsive pleadings, the plaintiff must obtain a default judgment within 360 days after the filing of the complaint. If the plaintiff has not obtained a default judgment by that time, the Court will issue an Order to Show Cause why reasonable monetary sanctions should not be imposed. The Order to Show Cause will be vacated if the plaintiff obtains a Default Judgment at least 10 court days before the Order to Show Cause hearing.

**NOTICE OF SETTLEMENT:** If a plaintiff in a collections case files a notice of settlement, all hearing dates will be vacated.

**OTHER COLLECTION CASES NOT APPLICABLE UNDER CRC 3.740:**

**TIME STANDARDS:** The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

**COMPLAINTS:** Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

**DEFENDANT'S APPEARANCE:** Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

**DEFAULT:** If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.



JS 44 (Rev. 12/07)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

ARMINDA O. ALAAN

(b) County of Residence of First Listed Plaintiff San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Patric Lester 5694 Mission Center Rd  
San Diego, CA 92108 (314) 231-5900 358

## DEFENDANTS

ASSET ACCEPTANCE LLC

County of Residence of First Listed Defendant

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

10 CV 0328 WQH

BLM

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 PTF ☐ 1 DEF Incorporated or Principal Place of Business In This State ☐ 4 PTF ☐ 4 DEF
- Citizen of Another State ☐ 2 PTF ☐ 2 DEF Incorporated and Principal Place of Business In Another State ☐ 5 PTF ☐ 5 DEF
- Citizen or Subject of a Foreign Country ☐ 3 PTF ☐ 3 DEF Foreign Nation ☐ 6 PTF ☐ 6 DEF

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 USC 1692 et seq

Brief description of cause: Fair Debt Collection Practices Act

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

75,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

2/10/10

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

RECEIPT #

10073

AMOUNT

\$350-

APPLYING IFP

JUDGE

MAG. JUDGE

MB 02-10-10



Court Name: USDC California Southern  
Division: 3  
Receipt Number: CAS010073  
Cashier ID: mbain  
Transaction Date: 02/10/2010  
Payer Name: PATRIC LESTER

CIVIL FILING FEE  
For: ALAAN V ASSET ACCEPTANCE  
Case/Party: D-CAS-3-10-CV-000328-001  
Amount: \$350.00

CREDIT CARD  
Amt Tendered: \$350.00

Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

There will be a fee of \$45.00  
charged for any returned check.